ITEM NO.12 COURT NO.2 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 953/2023

(Arising out of impugned final judgment and order dated 30-09-2022 in CP No. 2/2020 passed by the High Court Of Judicature At Bombay At Goa)

THE GOA FOUNDATION Petitioner(s)

VERSUS

PARIMAL RAI & ORS. Respondent(s)

(IA No.34003/2023-CONDONATION OF DELAY IN FILING and IA No.34002/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-02-2023 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Anand Grover, Sr. Adv.
Ms. Nupur Kumar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Learned counsel for the petitioner submits that the petitioner is a voluntary organization with 30 years of history and it is in pursuance to the contempt proceedings filed in question that two of the three offending structures were subsequently demolished. As far as the retaining wall is

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Date: 2023.02.28 17:38:20 IST
Reason:

concerned, it is submitted that though the petitioner may have different perception from what the concerned Court had taken, the petitioner will exercise its right to assail that order in accordance with law whether that retaining wall can or cannot be retained.

That leaves us only about the issue of costs. It is the submission of the learned counsel for the petitioner that there is no occasion to impose costs when it is only in pursuance to the contempt proceedings that the two structures have been removed.

In our view, cost is normally a discretion of the Court and we leave it to the petitioner to move the High Court pointing out the aforesaid facts seeking waiver of costs.

The special leave petition accordingly stands disposed of.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)